

AT A WORK SESSION OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY HELD ON THE NINETEENTH DAY OF JULY, NINETEEN HUNDRED AND NINETY FOUR AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER CONFERENCE ROOM E, 101E MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Mr. Alexander C. Kuras, Chairman
Mr. Raymond L. Betzner
Mr. A. G. Bradshaw
Mr. Jay H. Everson
Mr. John Hagee
Mr. Donald C. Hunt
Ms. Willafay McKenna

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning
Mr. John T.P. Horne, Manager of Development Management
Mr. Mark J. Bittner, Planner
Mr. Leo P. Rogers, Assistant County Attorney

2. Case Nos. Z-4-94 and Z-5-94. Colonial Capitol Landing Development Company

Mr. John Horne made the presentation and discussed the concept of the Route 5 Transportation Improvement District. He stated the two basic issues as it relates to the roadway that we have dealt with in the past and continue to deal with are access improvements to particular subdivisions and capacity improvements for the total traffic volume anticipated for the Route 5 corridor. He continued to discuss the concept that has been developed in order to control the traffic projected in the year 2010. Discussion continued on different areas of the County and the amount of traffic that each area generates and how it compares to the Route 5 corridor. Mr. Horne's intent was to explain what the potential impact would be on the existing roadway network. He stated that Governor's Land had cash proffers for more than \$2,000,000 and that Greensprings contributed even more in road construction and cash value. Mr. Horne felt that these contributions were consistent with the County policy for all new developments to address their impacts by paying their fare share along the Route 5 corridor. Mr. Horne summed everything up by stating that he hoped that no one felt that this case was an isolated decision in such a small area; but, felt that we need to be consistent in our policy since there will be similar cases presented in the next few years.

Mr. Hagee asked what the process was in order to be added to the district.

Mr. Horne stated that a petition must be presented by the land owners of 51% of the assessed value or land area of the area to be added in and must have approval.

Mr. Hagee asked how we could force the participation in the district when we did not

go through the process of placing it in the district.

Mr. Horne stated that the tax district is one method of addressing a development's impacts, and if there is another mechanism that the rezoning applicant would like to propose, they need to present it to the staff. We have illustrated the known mechanisms: cash contributions, development caps, or the Transportation Improvement District. In a rezoning petition our policy is to mitigate the impacts, and inform the applicant that we have this district but that it is not the only solution.

Mr. Hagee felt that in this particular situation there would be little impact on the traffic and felt that it was unfair to force this applicant into a district.

Ms. McKenna stated she agreed with Mr. Hagee and said that there should be a policy that applies equally to all developers on the effected corridor on Route 5.

Mr. Rogers stated that one point Ms. McKenna made on the taxing policy for fairness made sense but that we were unable to make any changes. It would be the owners (51% of undeveloped value) that would have to petition to go into the district.

Mr. Horne discussed the areas along Route 5 which were undeveloped.

Mr. Chisman, the developer of St. George's Hundred, interjected with a short history of the areas along Route 5 and his dealings with the County.

Mr. Horne stated that the district is only paying a small part of the total cost and that the majority is from a direct cash contribution from two main developments.

Ms. McKenna asked when the new tax rate goes into effect.

Mr. Rogers stated that the resolution was effective the date the Transportation District was adopted and the property would be prorated.

Ms. McKenna questioned the time of 35 years in which the district would be taxed for the road improvements.

Mr. Horne stated that the tax would only last as long as the debt of the district. He said that the projection for this district was for 9 years due to the small amount of the debt.

Mr. Sowers stated that based on the estimated cost of the homes in this subdivision at the highest rate it would increase the tax to \$125.00 per year for each house and lot.

Mr. Kuras stated his opinion on this matter. He felt that there will be an impact on Route 5 whether the homes are in one subdivision or another along Route 5.

Dr. Henderson, the applicant, spoke to the Commission and stated that he has made significant improvements to Route 5 for the 125 lots already developed. He stated that he is now requesting to add an additional 6 lots and felt that he need not have to contribute

anything more.

Mr. Horne stated that he understood that Dr. Henderson solved the access problem by adding turn lanes but not the capacity problem and that is why the district was formed.

Dr. Henderson stated that he was not adding a new subdivision but adding 4 acres to an existing subdivision.

Mr. Kuras stated that it was also true of Powhatan Secondary and Greensprings.

Ms. McKenna stated that the question of the Transportation District does not enter into the SUP that Mr. Chisman has submitted, which will generate additional traffic.

Mr. Horne stated that there is an answer to her concern. The proffers that are in place for St. George's Hundred has a road improvement schedule which allows him to proceed to a certain point before he is at the approved threshold. After that point, development ceases until the improvements are made.

Ms. McKenna asked whether commercial properties along the corridor were taxed at a higher rate.

Mr. Horne stated that they are not part of the district.

Mr. Bradshaw stated that he was no closer to a solution and suggested that the staff and applicant get together and see if they can work something out in the next two weeks.

Mr. Kuras felt that there should be some type of participation by the applicant in the solution to the traffic problem on the Route 5 corridor.

Mr. Betzner agreed with Mr. Bradshaw and stated he had learned a great deal about the process of the Transportation Improvement District. He then made a motion for deferral.

Mr. Bradshaw seconded the motion.

Mr. Sowers confirmed that they would continue this at the August 9 Planning Commission meeting.

Mr. Costello of AES stated that his client, Dr. Henderson, would like to see a vote so that he could continue on with his project and suggested that he could change his proffers before the case went to the Board of Supervisors.

Mr. Rogers stated to the Chairman that the Commission was under no pressure to vote on this case at this time.

In response to a question from Mr. Sowers, the Commission expressed a general consensus that the applicant should somehow address the impacts of the rezoning on the capacity of Route 5.


On a roll call vote, the motion to defer passed: AYE: Bradshaw, Betzner, Hunt, Kuras
(4). NAY: McKenna, Hagee, Everson (3).

3. ADJOURNMENT

There being no further business, the July 19, 1994 Work Session of the Planning Commission adjourned to the August 9, 1994 Planning Commission meeting at 5:30 P.M.



Alexander C. Kuras, Chairman



O. Marvin Sowers, Jr., Secretary